

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

ERIC COOK, Special Administrator of the Estate of Christopher Shawn Poor, Deceased,)	
)	
)	
)	
Plaintiff,)	
)	
v.)	No. CIV-22-602-R
)	
CHANCE AVERY, an individual; and THE CITY OF THE VILLAGE,)	
)	
Defendant.)	

ORDER

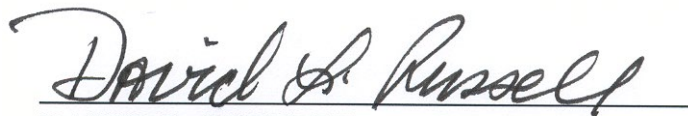
Before the Court is Defendant City's Motion to Compel Plaintiff's Discovery Responses [Doc. No. 23]. The City's motion asserts that, despite granting Plaintiff two extensions of time, Plaintiff has failed to provide any responses to the City's discovery requests.

In its response [Doc. No. 24], Plaintiff does not dispute that it failed to provide discovery responses or request another extension of time. As an explanation for its failure to cooperate in discovery, Plaintiff asserts that Eric Cook – the special administrator of the estate – has resigned from his employment as the trust officer of Vision Bank and that counsel is in the process of having a new trust officer appointed as the special administrator. Fair enough, but as the City points out in its reply brief [Doc. No. 25], Plaintiff's counsel has been aware of this issue for over four months and has still not taken any action to withdraw Eric Cook as special administrator or substitute a new Plaintiff.

The Federal Rules of Civil Procedure require discovery responses to be furnished within 30 days of service. *See* Fed. R. Civ. P. 33(b)(2), 34(b)(2)(A). Plaintiff cites no authority suggesting that a litigant is relieved of this obligation when a party needs to be substituted. If Plaintiff needed additional time to respond to discovery, the proper way to proceed is to request an extension of time from opposing counsel or, if needed, from the Court. Plaintiff failed to do so and has therefore not complied with its discovery obligations.

Accordingly, Defendant City's Motion to Compel Plaintiff's Discovery Responses [Doc. No. 23] is GRANTED. Plaintiff is directed to respond to Defendants' interrogatories and requests for production of documents within 21 days of the date of this Order. Although the Court agrees with Defendant that it should not have to seek court intervention to obtain discovery responses, under the unique circumstances of this case, the Court declines to award attorney's fees and costs.

IT IS SO ORDERED this 29th day of February, 2024.


DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE